

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Panchayat Raj and Rural Development Department – Allegations of corruption against Sri Ramisetty Penchalaiah, Executive Engineer, Panchayat Raj, Machilipatnam, Krishna District (now retired) – Convicted on 31.07.2006 in C.C.No.1/2002 - Imposition of penalty of withholding of Pension and gratuity in full, permanently, under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Ms.No. 389

Dated:12 -11-2010.

Read the following:-

1. G.O.Ms.No.165, Panchayat Raj and Rural Development (VS.I) Department, dt.14.05.2001.
2. Judgment dated.31.07.2006 in C.C.No.1/2002 of the Special Judge for SPE & ACB Cases, Vijayawada.
3. Hon'ble High Court of Andhra Pradesh Orders Dt.23.08.2006 in CrI.Misc.P.No.1258 of 2006 in CrI. A. No.1061 of 2006.
4. Govt. Memo No. 1109/Vig.II/A2/2003-4, Panchayat Raj and Rural Development (Vig.II) Department, Dated:02.04.2007.
5. Interim orders dt:09.07.2007 in O.A.No.3789/2007 of Hon'ble APAT, Hyderabad.
6. Representation of Sri R. Penchalaiah, Nellore, dt:28.6.2007.
7. Govt. Memo.No.1109/Vig.II/A2/2003-10, PR & RD (Vig.II) Deptt., dt:24.12.2007.
8. Hon'ble APAT, Hyderabad orders dt:28.06.2010 in O.A.No.3789 of 2007 with VMA No.101/2008.

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Sri R. Penchalaiah, E.E., while working as E.E., P.R., Machilipatnam, Krishna District, was trapped by the Anti Corruption Bureau authorities on 14.3.2000 on the allegation of demand and acceptance of bribe from Smt. S. Krishna Kumari, Lingavaram Village, Guduwada Mandal, Krishna district for doing official favour of issuing cheque for the works executed under Employment Assurance Schemes.

2. And whereas in the reference 1st read above, sanction was accorded to prosecute Sri R. Penchaliah, the then Executive Engineer, Panchayat Raj, Machilipatnam, Krishna District, now retired, for the offences punishable under section 7 and sub-section (2) of section 13 read with clause (d) of sub (1) of section of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and for any other cognate offences, punishable, under any other provisions of law, and for taking cognizance of the said offences by the court of competent jurisdiction. He was charge sheeted in a court of law.

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Sri R. Penchalaiah, retired from service on 30.11.2002 on attaining the age of superannuation.

3. And whereas, the Special Judge for Special Police Establishment and Anti Corruption Bureau Cases, Vijayawada pronounced judgment on 31.07.2006 in CC No.1/2002, finding the Accused Officer Sri R. Penchalaiah, E.E. (retired) found guilty for the offences under Section 7 and 13(1)(d) read with 13(2) of P.C. Act 1988 and convicted under section 248 (2) Cr.P.C., vide reference 2nd read above.

4. And whereas, the Hon'ble High Court of Andhra Pradesh in its orders 3rd read above, suspended the sentence of imprisonment alone, imposed by the trial court, as such conviction remains.

5. Government, after careful examination of the matter, have provisionally decided to impose the punishment of withholding the entire pension and gratuity in full permanently on Sri R. Penchalaiah, E.E. (now retired) for the conduct which led to his conviction in CC No.1/2002, dated.31.07.2006 under Rule 9 of the Andhra Pradesh Revised Pension Rules, 1980. In the reference 4th read above, a show cause notice was issued to the above retired officer calling for his representation, if any, on the proposed punishment.

6. In the reference 5th read above, Sri R. Penchalaiah, E.E. now retired has filed O.A. against the said SCN issued vide reference 4th read above. The Hon'ble APAT, Hyd., has passed interim direction, that pending disposal of the O.A. there shall be a direction to the respondents to continue to pay the provisional pension. However, the applicant was directed to submit his explanation to the SCN, dt:2.4.2007.

7. Sri P. Penchalaiah, former E.E. (now retired) has filed representation vide 6th read above and requested to not to stop the pension in pursuance of the lower court judgment as an appeal is pending in the Hon'ble Court against the same.

8. In the reference 8th read above, the Hon'ble APAT, Hyderabad in its order dt:28.6.2010 in O.A.No. 3789 of 2007, disposed of with a direction to the Respondent to consider the explanation submitted by the applicant and pass appropriate orders in accordance with the rules.

9. Government, after careful examination of the matter, hereby impose the punishment of withholding of 100% cut in pension and entire gratuity permanently on Sri R. Penchaliah, former E.E. (now retired) under rule 9 (1) read with rule (8) (3) of the Andhra Pradesh Revised Pension rules, 1980 for the conduct which led to his conviction in CC No.1/2002, dt.31.7.2006.

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10. The Engineer-in-Chief, Panchayat Raj, Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C. SASTRY,
SPL. CHIEF SECRETARY TO GOVERNMENT(PR).

To

Sri R. Penchalaiah, the then Executive Engineer, Panchayat Raj, Machilipatnam, Krishna District **through** Engineer-in-Chief, Panchayat Raj, Hyderabad.

The Engineer-in-Chief, Panchayat Raj, Hyderabad.(He is requested to serve the order on Sri R. Penchalaiah, and furnish the dated acknowledgement immediately)

Copy to:

The Accountant General, Andhra Pradesh, Hyderabad.

The Secretary, A..P.V.C., Hyderabad. (559/VC.G1/2000).

The Director General, Anti Corruption Bureau, Hyderabad.
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER